

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
(954) 797-1101
Prepared by: Philip Bachers, Planner I

SUBJECT: Quasi Judicial Hearing: Variance, V 1-1-06 / 06-33 / Gabriel and Jackie Carrasco/ Generally located east of Gulfstream Way (and west of Nob Hill Rd.) and approximately in the vicinity of what would be SW 36 St.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: V 1-1-06 / 06-33 / Gabriel and Jackie Carrasco

REPORT IN BRIEF:

The petitioners are requesting a variance from Section 12-287 (B) of the Land Development Code, which requires a minimum 35 foot side setback from the property line, to reduce the minimum to a 27 foot 2 inches side setback (addition, gazebo) from the west property line, and to a 25 foot side setback (pool) from the east property line for proposed structures in the AG zoning district.

The subject site is a 0.88 acre (approx. 38,504 square feet) parcel of land approximately one-hundred twenty three (123) feet in width by two hundred seventy (270) feet in depth, located east of Gulfstream Way, on the south side of Canterbury Ct. The land use for parcels adjacent to the north, south, east, and west of the subject site are all residential 1 dwelling unit per acre.

The petitioners are proposing to build an addition to the existing residential home approximately one thousand two hundred sixty eight (1,268) square feet along the southwestern portion of the existing house, and a gazebo with five hundred five (505) square feet due south of the proposed addition. They also propose a pool/deck and trellises. The original building side setbacks for this property were twenty-five (25) feet. The new addition, separate gazebo, pool, and trellises as proposed would encroach into the current building side setbacks of 35 feet.

According to § 12-81(A) of the Land Development Code, Table of Conventional Single-Family Development Standards, typical AG, Agricultural Districts are required to provide a 35' side setback. This variance would reduce the required 35' side setback by

seven (7) feet ten (10) inches for the residential addition to the primary building's living space, and for the gazebo. The proposed trellises and pool would encroach into the required east side setback of 35 feet by 10 feet (pool-water's edge). The trellises are each less than 150 square feet in area and meet the code requirements for accessory structures' setbacks from the side property line.

The criteria for approval of a variance require that the petitioner's request show no evidence of self-created hardship. In the case of Mr. and Mrs. Carrasco, the property is approximately one-hundred twenty three (123) feet in width by two hundred forty (240) feet in depth. In review of the survey and residential expansion plan, it proposes an addition to residential living space placed just outside the southwestern existing exterior wall. The current distance from the southwestern exterior wall to the rear property line is approximately 132 feet. The required 35 feet side setback would only permit 29 feet of structure width for the proposed residential addition. Thus, staff concludes that this proposed addition could not be accommodated without the approval of a variance.

Residential homes approved and/or built prior to the adoption of the Rural Lifestyle Initiative (RLI) regulations had a 25 foot side-building setback.

The adopted RLI provides for a side setback dimension of 35 feet creating a 70 foot separation between all new structures. Granting a variance to allow a 27 foot 2 inch side-building setback from the property line for the addition to living space would result in approximately 53' (fifty three feet) separation between the two adjoining primary dwelling structures with a common property line on the west side of the applicant's lot. This conforms to the setback requirements in place when the home was approved/built. The pool requires a variance of 10 feet to allow placement of the pool 25 feet from the east side property line.

Thus, a side setback reduction to the west would only directly affect the house to the west for the addition to living space, would not harm the existing open space, and would be consistent with the original setback approved for the community. The side setback reduction for the pool would only directly affect the house to the east, would not harm the existing open space, and would not encroach into the original setback approved for the community.

PREVIOUS ACTIONS:

Planning & Zoning Board, March 8, 2006

V 1-1-06, Carrasco, 10456 Canterbury Court (AG)

Vice-Chair McLaughlin made a motion, seconded by Mr. Luis, to approve the 25-foot (side) setback on the pool; the 27-foot 2 inches (27'2") (side setback) to be in line with the existing structure for the proposed gazebo and the addition; and (to be)

contingent upon producing a letter from the Homeowners' Association denoting the addition, the gazebo and the pool as shown on the site plan. Motion carried 5-0.

CONCURRENCES:

None

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

*Staff would note that **prior to the issuance of a building permit** the property owner must obtain in writing from the homeowner's association, approval for the site plan for the addition to the dwelling (27' 2" side setback), for the pool/deck/trellises (25' to the water's edge), and for the gazebo (27' 2" side setback).*

Attachment(s): Planning Report, Justification, Homeowners' Association/Management Co. Letter, Survey, Expansion Plan, Future Land Use Plan Map, Zoning and Aerial Map

Application: V 1-1-06 / Carrasco
Exhibit "A"

Revisions: none
Original Report Date: 2/28/06

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner / Petitioner:

Name: Gabriel and Jackie Carrasco
Address: 10456 Canterbury Ct.
City: Davie, Florida 33328
Phone: (954) 472-3827

Background Information

Date of Notification: October 5, 2005
Number of Notifications: 87

App. History: None

App. Request: Variance **FROM:** Section 12-287 (B) of the Land Development Code, which requires a minimum 35' side setback from the property line. **TO:** Reduce the minimum to a 27' 2" side setback from the property line on the west side and to 25' on the east side.

Address/Location: 10456 Canterbury Ct. / Generally located east of Gulfstream Way and approximately in the vicinity of what would be SW 36 St.

Future Land Use

Plan Map: Residential 1 DU / Acre

Existing Zoning: AG, Agricultural District

Existing Use: Single-Family Residential Dwelling Unit

Parcel Size: 0.88 acres (approx. 38,504 square feet)

Surrounding Future Land

	<u>Surrounding Uses:</u>	<u>Use PlanMap Designations:</u>
North:	Single-Family Residential (Long Lake Ranches)	Residential 1 DU / Acre
South:	Single-Family Residential (Long Lake Ranches)	Residential 1 DU / Acre
East:	Single-Family Residential (Long Lake Ranches)	Residential 1 DU / Acre
West:	Single-Family Residential (Long Lake Ranches)	Residential 1 DU / Acre

Surrounding Zoning:

North:	E, Estates District
South:	AG, Agricultural District
East:	AG, Agricultural District
West:	AG, Agricultural District

Zoning History

Related Zoning History: Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Applicable Codes and Ordinances

§12-309(B)(1) of the Land Development Code, review for variances.

DIVISION 3. RURAL LIFESTYLE REGULATIONS

§12-287 (A) & (B) of the Land Development Code, For the AG zoning district, the minimum lot area shall be 43,560 square feet, the minimum lot frontage is 150 feet, and maximum building coverage is 20%. The building setbacks shall be as follows for the AG zoning district: front 40-50 feet, side 35 feet, rear 35 feet, and 35 feet maximum height.

Town Council approved the Rural Lifestyle Initiative (RLI) Regulations on October 16, 2002. At that time, Long Lake Ranches acquired these regulations for all new structures, modifications, and/or additions. Plans approved prior to the adoption of the RLI were allowed to be built at the dimensions approved.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. This planning area includes the westernmost section of the Town north of Orange Drive and south of SW

14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 17 - Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses, *Land Use Compatibility and Community Appearance, Policy 17-7:* Adopted land development regulations shall continue to set forth setback or separation regulations landscaping requirements, and minimum open space criteria to enhance living and working environments.

Application Details

The petitioners are requesting a variance from Section 12-287 (B) of the Land Development Code, which requires a minimum 35 foot side setback from the property line, to reduce the minimum to a 27 foot 2 inch side setback from the property line on the west for an addition and gazebo, and to reduce the minimum to a 25 foot side setback (to water's edge) on the east for a pool and deck, in the AG zoning district.

The subject site is a 0.88 acres (approx. 38,504 square feet) parcel of land approximately one-hundred twenty three (123) feet in width by two hundred seventy (270) feet in depth, located on east of Gulfstream Way and approximately in the vicinity of what would be SW 26 St. The land use for parcels adjacent to the north, south, east, and west of the subject site are all residential 1 dwelling unit per acre.

The petitioners are proposing to build a residential living space addition to the existing residential home approximately one thousand two hundred sixty eight (1,268) square feet along the southwestern portion of the existing house, and a gazebo directly south of the proposed addition of five hundred five (505) square feet. They also propose to build a pool/deck with structural elements and landscaping on the southeast side of the property. The original building side setbacks for this property were twenty-five (25) feet. The new residential addition, the gazebo, and the pool/deck as proposed would encroach into the Rural Lifestyle Initiative building side setbacks.

According to § 12-81(A) of the Land Development Code, Table of Conventional Single-Family Development Standards, typical AG, Agricultural Districts are required to provide a 35 feet side setback. This variance would reduce the required 35 feet side setback by 7 feet 10 inches on the west side setback, and by 10 feet on the east side setback.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

- (a) There are no special circumstances or conditions applying to the land or building for which the variance is sought;

The 0.88 acre (approx. 38,054 square feet) parcel can support an addition to the existing structure that does not require a variance. However, the addition to living space is logically placed along the southwestern portion of the existing house, approximately 53 feet from the neighboring house.

which circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district;

The parcel can continue its development rights and can be used in accordance with the AG, Agricultural District without a variance.

and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought;

The parcel can be reasonably used without a variance. The parcel can support an addition in other locations that would not require a variance. However, due to the existing residential layout, the most sensible place to locate an addition would be on along the southwestern portion of the home.

and that alleged hardship is self-created by any person having an interest in the property.

The need for a variance is created by the owner's desire for the expansion to be located on the southwestern portion of the existing two-story residential building, and the owner's choice of pool/deck locaioon.

- (b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

The applicant can achieve reasonable use of the land without a variance, and as such the variance is not the minimum needed.

- (c) Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing the west side-building setback to be reduced from 35 feet to 27 feet 2 inches should not be detrimental to the adjacent properties, as the next closest structure is approximately 53 feet from the addition. Allowing the east side-building setback for the pool/deck to be reduced from 35 feet to 25 feet should not be detrimental to adjacent properties, as the next closest structure is 50 feet from the pool water's edge.

Staff Analysis

The criteria for approval of a variance require that the petitioner's request show no evidence of self-created hardship. In the case of Mr. and Mrs. Carrasco, the property is approximately one-hundred twenty three (123) feet in width by two hundred seventy (270) feet in depth. In review of the survey and residential expansion plan, it proposes a residential addition and detached gazebo placed just outside the southwestern existing exterior wall. The current distance from the southeastern exterior wall to the side property line is approximately 27 feet. The required 35 feet side setback would only permit 29 feet of structure width for the proposed residential addition. Thus, staff concludes that this proposed addition could not be accommodated without the approval of a variance.

Residential homes approved and/or built prior to the adoption of the Rural Lifestyle Initiative (RLI) regulations had a 35 feet side-building setback, unless otherwise approved for a lesser setback according to the master site plan, as in this case.

The adopted RLI provides for a side setback dimension of 35 feet creating a 70 foot separation between all new structures. Granting a variance to allow a 27 foot 2 inch side-setback from the property line would result in approximately 53 foot separation between the two adjoining single family dwellings on the west side, and 50 feet from the pool water's edge to the next closest single family dwelling on the east side.

Thus, side setback reductions would only directly affect the houses to the west and to the east, would not harm the existing open space, and would be consistent with the original setback approved for the community.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to Town Council and the Planning and Zoning Board for further consideration.

Planning and Zoning Board Recommendation

V 1-1-06, Carrasco, 10456 Canterbury Court (AG)

Vice-Chair McLaughlin made a motion, seconded by Mr. Luis, to approve the 25-foot setback on the pool; the 27-foot 2 inches (27' 2") to be in line with the existing structure on the gazebo and the addition; and contingent upon producing a letter from the Homeowners' Association denoting the addition, the gazebo and the pool from the site plan. Motion carried 5-0.

Town Council Action

This meeting is scheduled for April 5, 2006.

Exhibits

1. Justification
2. Homeowners' Association/ Management Co. Approval Letter
3. Survey
4. Expansion Plan
5. Future Land Use Plan Map
6. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)

Gabriel Carrasco

10456 Canterbury Court
Davie, FL 33328
954-663-7724
ANGGAB@aol.com

January 23, 2006

To whom it may concern,

I am asking for a variance change on side set backs from 35 FT to 25 Ft. In order to properly fit my Addition, Pool, and Pool Cabana. Please Refer to my site plan for more information. **EAST AND WEST SIDE SET BACKS.**

Thank You,


Gabriel Carrasco



Exhibit 2 (H.O.A. / Management Co. Approval Letter)



Miami Management, Inc.
Full Service Property Management & Maintenance

1145 Sawgrass Corporate Parkway • Sunrise, Florida 33323
(954) 846-7545 • Fax (954) 846-8559 • Toll Free: 1-800-605-9110
www.miamimanagement.com

September 07, 2005

Gabriel Carrasco
10456 Canterbury Court
Davie, FL 33328

**RE: Long Lake Ranches HOA
ACCOUNT # 3818-000098**

Dear Gabriel Carrasco,

This Letter will confirm that your request form on the above mentioned property, was **approved** by the Architectural Review Committee for the following:

Approved: Install Pool, Pavers, Cabana, Planters & Trellis all per plans submitted.

If applicable, it is the owner's responsibility to obtain any required permits from the Town of Davie and/or Broward County.

It is the ultimate responsibility of the property owner to insure that their Architectural request form conforms to all the relevant Declaration of Covenants and Restrictions, Bylaws, and Rules and Regulations of the Association pertaining to any and all alterations and/or changes to the exterior of home.

If you have any questions, please feel free to contact me at 954-846-7545.

Sincerely,

Rodger Kourim
Agent for the Association

RK/le

LOT 97
LONG LAKE RANCHES
PB 171, PG 151 B.C.R.

SURVEYOR'S NOTES:

$\Delta = 26^{\circ}47'50''$
 $R = 30.00'$
 $L = 4.03'$

$\Delta = 13^{\circ}01'16''$
 $R = 52.00'$
 $L = 11.82'$

BOUNDARY BEARINGS AND DISTANCES:

- N $01^{\circ}57'16''$ W 270.00'
- S $88^{\circ}02'44''$ W 123.44'
- S $02^{\circ}52'09''$ E 243.05'
- N $88^{\circ}02'44''$ E 101.40'

FEATURES AND EASEMENTS:

- ONE STORY RESIDENCE (F.F.E. = 9.65)
- BRICK DRIVEWAY
- CU. ON CONC. PAD (ELEV. = 8.82)
- 24' LAKE MAINTENANCE EASEMENT
- 5' ALUMINUM FENCE
- 5' U.E.
- FD. 6633
- FD. REBAR
- FD. NAIL & DISK
- FD. 6633

ADJACENT PROPERTIES:

- LOT 100 LONG LAKE RANCHES PB 171, PG 151 B.C.R.
- LOT 97 LONG LAKE RANCHES PB 171, PG 151 B.C.R.

LOT 97
LONG LAKE RANCHES
PB 171, PG 151 B.C.R.

SURVEYOR'S NOTES:

1. THE HEREIN CAPTIONED PROPERTY WAS SURVEYED AND DESCRIBED ON THE SHOWN LEGAL DESCRIPTION AS PROVIDED BY CLIENT.
2. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS, OR FREEDOM OF ENCUMBRANCES. IT IS ABSTRACT NOT REVIEWED.
3. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. EXAMINATION OF ENCUMBRANCES.
4. ACCURACY: THE EXPECTED USE OF THIS COUNTY. EXAMINATION OF ABSTRACT OF TITLE STANDARDS 61617-6.003(1), IS "SUBURBAN". IF ANY AFFECTING THIS PROPER ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET. THE MINIMUM RELATIVE DISTANCE OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THIS REQUIREMENT.
5. FOUNDATIONS AND/OR FOOTINGS THAT MAY AFFECT THIS SURVEY WERE FOUND TO BE FOUND.

LEGAL DESCRIPTION:
LOT 98 LONG LAKE RANCHES PLAT ONE, ACCORDING TO THE PLAT THEREOF,
WAS RECORDED IN PLAT BOOK 171, AT PAGE 151, OF THE PUBLIC RECORDS
OF BROWARD COUNTY, FLORIDA.

Not-to-scale

EXIST. 1" Ø WATER SERVICE

EXISTING SEWER LINE

EXISTING 200 A. MAIN ELECT. METER

NEW SELF CLOSING LATCHING GATE

EXISTING ONE STY C.B.S. RES. No.780
(LOT COVERAGE 4'582.48 sq ft.)

NEW 100 A. ELECT. PANEL FOR FUTURE POOL & GAZEBO

EXISTING TERRACE

PAVERS POOL DECK

61'-11"

25'-0" SB

27'-6"

EXISTING 200 A. MAIN ELECT. METER

NEW SELF CLOSING LATCHING GATE

28'-5"

PROPOSED POOL EQUIPMENT LOCATION FIELD VERIFY

PROPOSED TRELLIS (SHADE AREA) SEE DTLS @ P-2

EXIST. 5' HIGH FENCE

25' (PB)

22'-0" SB

10'-3"

42'-4"

7'-0" PLANTER & BENCH SEE DTL @ P-2

34'-0"

PROPOSED POOL 1691.11 SQ. FT.

SHALLOW END (3'-0" DEEP)

DEEP END (5'-0" DEEP)

12'-0"

SPA

PAVERS POOL DECK

20'-5"

67'-0" SB

46'-8"

24' LAKE MAINTENANCE EASEMENT

POINT OF SPA VENT TERMINATION (SEE DETAIL 1)

POINT OF POOL VENT TERMINATION (SEE DETAIL 1)

PROPOSED ADDITION (LOT COVERAGE 1288.8 sq ft.)

74.67' SB

27'-2" SB

PROPOSED PALM SYLVESTER PALM (PHOENIX SYLVESTER) (TYPICAL)

26'-7" SB

PAVERS POOL DECK SEE DETAIL

POOL BARRIER SEE BARRIER REQ. NOTES

PROPOSED GAZEBO LOT COVERAGE 504.9 SQ. FT.

17'-11"

27'-0" SB

35'-0" SB

EXIST. 5' HIGH FENCE

S88°02'44"W 123.44'

△=26°47'50" R=30.00' L=14.03'

not to scale

SITE PLAN

Exhibit 5 (Future Land Use Map)

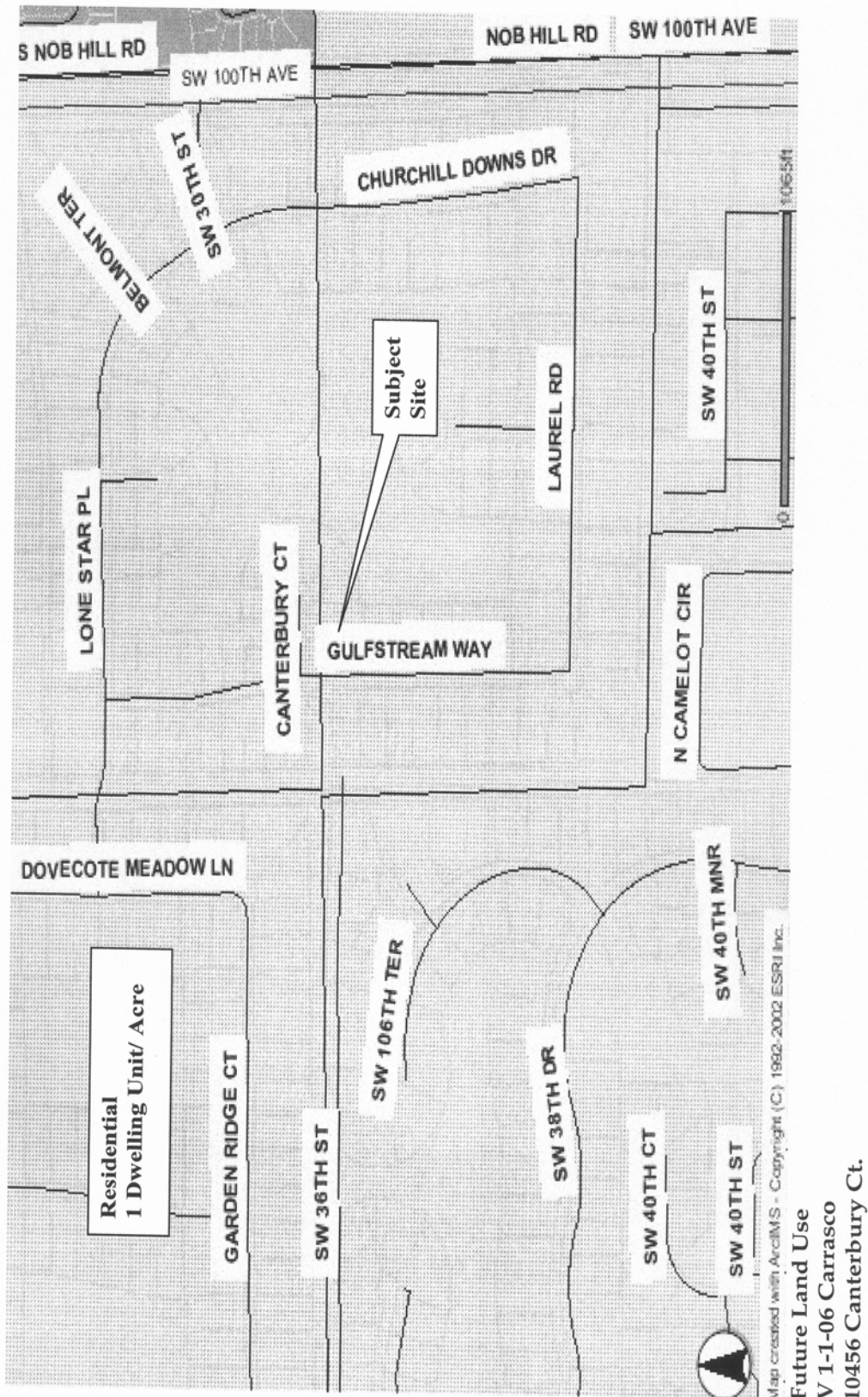
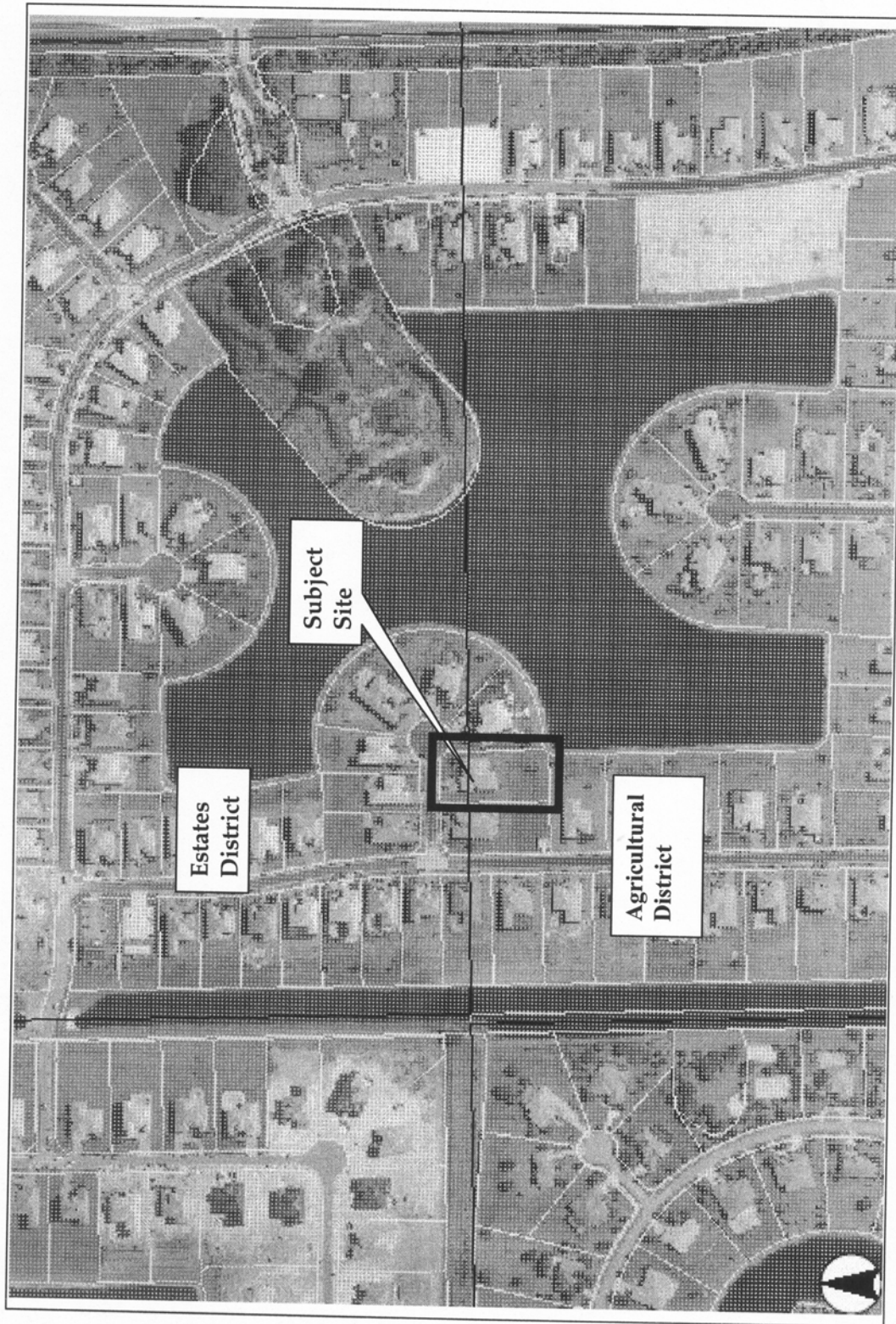


Exhibit 6 (Aerial, Zoning, and Subject Site Map)



V 1-1-06 Variance Application Carrasco Aerial, Zoning, Subject Site Map

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